



Determination

of representation arrangements to apply for
the election of the Wellington Regional Council
to be held on 12 October 2019

Background

1. All regional councils are required by section 19I of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. These reviews are to determine the number of constituencies, the name and boundaries of those constituencies and the number of councillors to be elected by each constituency.
2. The Wellington Regional Council, branded Greater Wellington Regional Council, (the council) last reviewed its representation arrangements prior to the 2013 local authority elections. Accordingly, it was required to undertake a review prior to the next elections in October 2019.
3. As a result of appeals/objections on its last review, the representation arrangements that applied for the 2013 and subsequent 2016 elections were determined by the Commission and were for thirteen councillors elected as follows.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
Kapiti Coast	49,800	1	49,800	+12,285	+32.75
Porirua-Tawa	67,600	2	33,800	-3,715	-9.90
Wellington	185,200	5	37,040	-475	-1.27
Lower Hutt	103,000	3	34,333	-3,182	-8.48
Upper Hutt	41,500	1	41,500	+3,985	+10.62
Wairarapa	40,600	1	40,600	+3,085	+8.22
Total	487,700	13	37,515		

* These figures are 2011 population estimates

4. The council began its current representation review with a series of workshops in early 2018 considering issues and possible representation options with a view to achieving both fair and effective representation for the region. The council also engaged with its Māori leadership forum, Ara Tahi, on the matter of Te Reo or bilingual names for constituencies.

5. A number of scenarios were considered at these workshops including options of merging the Lower Hutt and Upper Hutt constituencies; merging the Kāpiti Coast and Porirua constituencies; alterations to the boundaries of the Kāpiti Coast Constituency; and an additional member for the Wairarapa Constituency. In considering these options the council also noted relevant factors including the council's use of the STV electoral system in relation to achieving proportional representation; the appropriate total number of councillors for achieving effective representation for the diverse communities making up the region and to enable sharing of councillor workloads; and population growth in the constituencies.
6. The council also undertook some preliminary consultation by way of a public survey to gauge community views on the number of constituencies, their names and boundaries and the number of councillors. A total of 95 persons completed the survey with results including:
 - a. 54% considered the current number of constituencies provides effective representation
 - b. 73.7% considered the name and boundaries of each constituency are clear and appropriate, with five suggesting the use of Te Reo in constituency names
 - c. 60.4% disagreed with the statement "the current number of councillors elected is appropriate" with comments that the Wellington City area is over-represented and the Wairarapa and Kāpiti Coast areas are under-represented.
7. At a meeting on 16 August 2018, the council, under section 19I of the Act, resolved its initial representation proposal. The proposal was for the retention of status quo representation arrangements subject to a minor boundary alteration (meshblock 4002556) between the Porirua-Tawa and Pōneke/Wellington constituencies and some name changes for constituencies. This resulted in proposed arrangements as set out in the following table.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
Kāpiti	52,700	1	52,700	+13,169	+33.31
Porirua-Tawa	71,300	2	35,650	-3,881	-9.82
Pōneke/Wellington	197,500	5	39,500	-31	-0.08
Te Awa Kairangi ki Tai/Lower Hutt	104,700	3	34,900	-4,631	-11.72
Te Awa Kairangi ki Uta/Upper Hutt	43,200	1	43,200	+3,669	+9.28
Wairarapa	44,500	1	44,500	+4,969	+12.57
Total	513,900	13	39,531		

* These figures are 2017 population estimates

8. The council notified its initial proposal on 24 August 2018 and invited submissions by 26 September 2018. In doing so it acknowledged that three of the six proposed constituencies were outside the statutory +/-10% fair representation requirement.

9. The council received five submissions on its initial proposal. These submissions covered a range of issues including boundary changes between particular constituencies; the combining of certain constituencies; and both increases and reductions in the total number of councillors including an additional councillor for Kāpiti and an additional councillor for the Wairarapa.
10. At a meeting on 31 August 2018, the council, after considering the submissions received, resolved to adopt its initial proposal as its final representation proposal subject to a minor name change i.e. Kāpiti Constituency to be named the Kāpiti Coast Constituency.
11. The council notified its final proposal on 7 November 2018, including advice of the non-compliance of three constituencies with the statutory fair representation requirement, and invited appeals by 7 December 2018.
12. Given the non-compliance of three proposed constituencies, the council was required under section 19V(4) of the Act to refer its proposal to the Commission for determination.
13. In addition, two appeals were received from:
 - Kāpiti Coast District Council: seeking an increase to two councillors for the Kāpiti Coast Constituency
 - Max Shierlaw: suggesting the combining of the two Hutt Valley constituencies and the Wellington and Porirua-Tawa constituencies and a reduction in the number of councillors to 11.

Matters for determination by the Commission

14. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a regional council, all the matters set out in section 19I which relate to the representation arrangements for regional councils. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.
15. Given this requirement, any concerns expressed by appellants/objectors relating to the council's review process are not matters that the Commission needs to address.
16. The matters in scope for the review are:
 - the number, boundaries and names of the proposed constituencies
 - the proposed number of councillors for each constituency.
17. For the purpose of making a determination, the Commission may make such enquiries as it considers appropriate and may hold meetings with the interested parties. There is no obligation on the Commission to hold a hearing and the decision on whether to hold a hearing is based on the information provided by the parties and as a result of any further enquiries the Commission may make.

18. In the case of Greater Wellington Regional Council’s proposal, we considered there was sufficient information in the documentation provided by the council on the process it had followed in making its decision and also in the two appeals for us to proceed to a determination. Accordingly, we decided no hearing was required.

Key considerations

19. Based on the legislative requirements, the Commission’s *Guidelines for local authorities undertaking representation reviews* identify the following three key factors when considering representation proposals:
 - a. communities of interest
 - b. effective representation of communities of interest
 - c. fair representation for electors.

Communities of interest

20. We note regions must be divided into constituencies for electoral purposes (section 19E of the Act). For the purpose of effective representation of communities of interest, section 19U(c) requires constituency boundaries, so far as is practicable, to coincide with territorial authority boundaries or with territorial authority ward boundaries.
21. Given these requirements, we believe it is reasonable to take the communities of interest reflected in existing territorial authorities or their wards, as a starting point for communities of interest to be reflected in regional council constituencies.
22. In the case of the Wellington Region, the number of constituencies has been based on territorial authority boundaries since the constitution of the region in 1989. Initially there were seven constituencies, including two for the area of Wellington City, which was subsequently reduced to six. There remain six constituencies at present, with one constituency covering the area of the three Wairarapa districts and one each for the remaining five territorial authorities in the region. The only variation with territorial authority boundaries is the inclusion of the Tawa area in the Porirua Constituency based on the area of a river catchment.
23. In its 2013 determination, the then Local Government Commission commented it believed that “the current territorial authority boundaries continue to provide an appropriate basis for identifying communities of interest in the Wellington Region”.

Effective representation of communities of interest

24. The Commission’s Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered to the extent possible:
 - a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents’ familiarity and identity with an area
 - b. not splitting recognised communities of interest between electoral subdivisions
 - c. not grouping together two or more communities of interest that share few commonalities of interest

- d. accessibility, size and configuration of an area including access to elected members and vice versa.
25. As noted, the Wellington Region has been divided into either seven or six constituencies, reflecting territorial authority boundaries, since its constitution in 1989. It comprised fourteen councillors from 1992 until 2001 when this number was reduced to thirteen. Accordingly, these arrangements are now well established and are familiar to residents.
26. One appellant sought a reduction in both the number of constituencies, by combining the two Hutt Valley constituencies and combining the Wellington and Porirua-Tawa constituencies, and the number of councillors to 11. This was with a view, in part, to achieving closer compliance with fair representation requirements.
27. We believe a council of 13 is appropriate for the Wellington Region given its geographical size encompassing both urban and rural areas, and the diversity of the council's functions. It is also in line with other regional councils of a similar size around the country.
28. We note there has been previous consideration given to the combining of the two Hutt Valley constituencies, including in an initial proposal by the council in 2007. These suggestions and proposals have not ultimately received support by the council or residents in the affected areas. This has been on the basis of the two current constituencies reflecting distinct communities of interest as established in 1989. As such they help achieve effective representation for these communities by recognising residents' familiarity and identity with their area and thereby avoid likely barriers to their participation. While Lower Hutt and Upper Hutt do have some commonalities, being clearly linked by both the Hutt River and State Highway 2, we do not believe at this time that residents identify sufficiently with the suggested extended area to support the suggestion of a combined constituency.
29. Similarly, a combined Wellington/Porirua-Tawa constituency would combine two distinct communities of interest established in 1989. While the Tawa area is in Wellington City, but in the Porirua-Tawa Constituency, we believe this is appropriate given the geography of the Porirua Basin and the regional council's responsibility for river catchments. For the same reasons discussed above in relation to the Hutt Valley, we believe effective representation for the Wellington and Porirua areas will be best achieved by retention of the two current constituencies.
30. The other appellant sought an increase, from one to two councillors, in representation for the Kāpiti Coast Constituency. While the appellant argued this would provide fairer representation for this constituency (addressed next), it was also on the basis of facilitating more effective representation for the constituency in terms of individual councillor workloads and anticipated future growth and development on the Kāpiti Coast. While future growth and development may be expected, we note this is also forecast in other areas of the region.
31. We are aware of suggestions, in both this review and previous reviews, that the Wairarapa also warranted another councillor in order to achieve more effective representation. This is based on the size of the Wairarapa Constituency, covering approximately three-quarters of the Wellington Region, and its rural nature and dispersed population. While no appeals were received seeking an additional councillor for the Wairarapa, we are required to consider representation

arrangements for the region as a whole as well as determining matters raised in appeals. On this basis, we believe the council's proposal does provide for effective representation for communities of interest throughout the region and can be seen to be as equitable as possible given the constraint of the statutory maximum council membership of 14.

Fair representation for electors

32. Section 19V(2) of the Act requires that the population of each constituency divided by the number of members to be elected by that constituency must produce a figure no more than 10 per cent greater or smaller than the population of the region divided by the total number of elected members (the '+/-10% rule').
33. However, section 19V(3)(b) provides that, if a regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with section 19V(2).
34. The council is proposing, for the purposes of effective representation of communities of interest, the Kāpiti Coast (+33.31%), Te Awa Kairangi ki Tai/Lower Hutt (-11.72%) and Wairarapa (+12.57%) constituencies not comply with 'the +/-10% rule'. Accordingly, we needed to consider whether closer compliance with the '+/-10% rule' is desirable, possibly at the expense of effective representation of communities of interest.
35. As noted, we believe the current constituencies do generally facilitate achievement of effective representation for communities of interest by reflecting distinct territorial authority communities of interest. On the other hand, we agree that either combining current constituencies or altering constituency boundaries, as the council did consider, would undermine effective representation.
36. Accordingly, we consider the non-compliance with the '+/-10% rule' in respect of the three constituencies is appropriate and therefore we endorse the council's proposal in this regard. In doing so, we note the appeal for an increase in the number of councillors for the Kāpiti Coast Constituency, from one to two, would still result in significant non-compliance for both this constituency and two others in the region. It would change the proposed under-representation for Kāpiti Coast (+33.31%) to over-representation (-28.22%), while also resulting in reasonably significant under-representation for both Te Awa Kairangi ki Uta/ Upper Hutt and the Wairarapa.
37. In conclusion, we consider existing arrangements do provide an appropriate balance between the requirements for both fair and effective representation. On this basis we have decided to uphold the council's proposal for the council to continue to comprise 13 councillors elected from the current six constituencies with these constituencies now all incorporating Te Reo names.

Commission's determination

38. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Wellington Regional Council to be held on 12 October 2019, the following arrangements will apply:
 - 1) Wellington Region, as delineated on Plan LG-09-2019-Con-1 deposited with the Local Government Commission, will be divided into six constituencies.

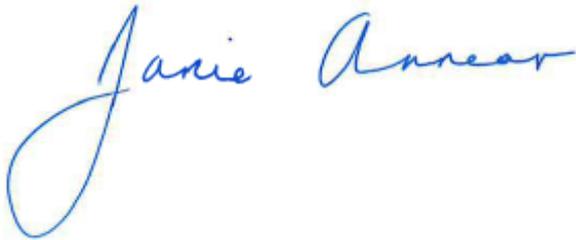
- 2) Those six constituencies will be:
 - a) Kāpiti Coast Constituency, comprising the area delineated on SO Plan 35952 deposited with Land Information New Zealand
 - b) Porirua-Tawa Constituency, comprising the area delineated on Plan LG-09-2019- Con-2 deposited with the Local Government Commission
 - c) Pōneke/Wellington Constituency, comprising the area delineated on Plan LG-09-2019-Con-3 deposited with the Local Government Commission
 - d) Te Awa Kairangi ki Tai/Lower Hutt Constituency, comprising the area of land delineated on SO Plan 35956 deposited with Land Information New Zealand
 - e) Te Awa Kairangi ki Uta/Upper Hutt Constituency, comprising the area of land delineated on SO Plan 35957 deposited with Land Information New Zealand
 - f) Wairarapa Constituency, comprising the area of land delineated on SO Plan 35958 deposited with Land Information New Zealand
- 3) The Wellington Regional Council will comprise 13 councillors elected as follows:
 - a) one councillor elected by the electors of Kāpiti Coast Constituency
 - b) two councillors elected by the electors of Porirua-Tawa Constituency
 - c) five councillors elected by the electors of Pōneke/Wellington Constituency
 - d) three councillors elected by the electors of Te Awa Kairangi ki Tai/Lower Hutt Constituency
 - e) one councillor elected by the electors of Te Awa Kairangi ki Uta/Upper Hutt Constituency
 - f) one councillor elected by the electors of Wairarapa Constituency.

39. As required by section 19U(b) of the Local Electoral Act 2001, the boundaries of the above constituencies coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

Local Government Commission

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Commissioner Pita Paraone (Chairperson)

A handwritten signature in blue ink, appearing to read 'Janie Annear', with a large, stylized initial 'J'.

Commissioner Janie Annear

A handwritten signature in black ink, appearing to read 'B. J. Duffy', with a large, stylized initial 'B'.

Commissioner Brendan Duffy

29 March 2019